PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

he Application of

Customer Number: 33401

SHEHADA, Ramez E.N.

Confirmation Number: 9078

Serial No.: 10/776.021

Group Art Unit: 3763

Filed: February 9, 2004

Examiner: Not Known

For:

SURGICAL DRAIN WITH POSITIONING AND PROTECTIVE FEATURES

CERTIFICATE OF MAILING

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COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.56

Sir:

Pursuant to 37 C.F.R. § 1.56, § 1.97 and § 1.98, Applicant brings the additional references listed on the attached supplemental Form PTO-1449 to the examiner's attention. 37 C.F.R. § 1.56. These references supplement the references cited in the Information Disclosure Statement, filed on December 28, 2004. These references may be material to examination of the above-identified application. Please do not construe the filing of this Information Disclosure Statement as a representation that applicant has made a search (37 C.F.R. § 1.97(g)), or as an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists. We enclose copies of the cited documents.

This Information Disclosure Statement is being submitted:

1. Within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d), or within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; or before

the mailing date of a first Office action on the merits, and therefore, Applicant believes no fee is required: 2. After the period specified in paragraph (1) hereinabove of this section, but is being filed before the mailing date of either a final action under 37 CFR 1.113, or a notice of allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and is accompanied by one of the following: A statement that either: (a) (i) Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; OR No item of information contained in the information disclosure (ii) statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement; OR The fee of \$180 for filing of an Information Disclosure Statement as set forth (b) in 37 C.F.R. 1.17(p). 3. After the period specified in paragraph (2) of this section, but is filed on or before payment of the issue fee and is accompanied by both: (a) A statement that either: Each item of information contained in the information disclosure (i) statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; OR No item of information contained in the information disclosure (ii) statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement; (b) The fee of \$180.00 for filing of an Information Disclosure Statement as set \Box forth in 37 CFR 1.17(p).

Applicant would appreciate the Examiner initialing and signing a copy of Form PTO-1449, transmitted herewith, indicating that the information has been considered and made of record herein.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to

Deposit Account No. 501946 referencing order number 64693-103-6806

March 28, 2005

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Complete if Known		
Application Number	10/776,021	
Filing Date	February 9, 2004	
First Named Inventor	SHEHADA, Ramez E.N.	
Art Unit	3763	
Examiner Name	Not assigned	
Attorney Docket Number	64693-103	

U.S. PATENT DOCUMENTS

			U.S. FAIENI	DOCUMENTS
Examiner Initials*	Cite No. 1	Document Number Number -Kind Code ² (if known)	Issue Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
	1	US-6,711,426	03-23-2004	Benaron et al. (Spectros Corporation, Assignee)
	2	US-5,987,346	11-16-1999	Benaron et al.
	3	US-5,785,658	07-28-1998	Benaron et al. (Sextant Medical Corporation, Assignee
	4	US-5,769,791	06-23-1998	Benaron et al. (Sextant Medical Corporation, Assignee
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U.S. PUBLISHED PATENT APPLICATIONS				
Examiner Initials*	Cite No. 1	Document Number Number -Kind Code ² (if known)	Issue Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language translation is attached.